



Laura T. Beyer

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United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In Re:)	
)	Case No.: 13-30058
Ronald Lamar Mixon,)	
Judy Dugan Mixon,)	
)	Chapter 13
)	
DEBTORS.)	ORDER MODIFYING
)	DEBTORS PLAN
_____)	

THIS CAUSE, coming on for consideration before the undersigned United States Bankruptcy Judge for the Western District of North Carolina, Charlotte Division pursuant to the Debtors' Motion to modify their Plan to (a) amend Schedule A; (b) amend claim of exempt property; (c) strike the claims of CitiMortgage; (d) strike the secured claim of Premier Federal Credit Union; (e) surrender the 2007 Dodge Caravan vehicle; (f) approve pay-off of 910 claim of Santander; (g) modify plan payment and plan base; and (h) amend non-base fee;

AND IT APPEARING that due notice has been afforded case-wide to all parties in interest respecting Debtors' Motion but no response has been filed or request for hearing made with respect thereto:

AND IT APPEARING that good cause exists as set-forth in Debtors' Motion for the granting of such Motion and its various sub-parts thereof upon those terms as are set forth in the decretal part of this Order.

AND IT FURTHER APPEARING that Geoffrey A. Planer, attorney for Debtors, has performed valuable legal services to them respecting the preparation and prosecution of their Motion; and that such attorney is therefore entitled to the award of a non-base fee of \$350.00 plus reimbursement of copying a postage costs in the sum of \$50.00, a total of \$400.00 to be paid via Debtors' Plan.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Debtors' Schedules A and C are hereby amended to show Debtor Ronald Lamar Mixon to be the sole owner of fee simple title to that residential realty located at 1402 Jenkins Road, Gastonia, North Carolina and to claim his exemption interest therein of \$60,000 (Debtor being a widow over 70 years of age) pursuant to NCGS § 1C-1601(a)(1).
2. The "credit life" life insurance benefits to be received by Debtor, Ronald Lamar Mixon, following the pay-off of Debtors' mortgage (as required by the terms of the credit life insurance policy), which remaining benefits total \$26,500, shall be deemed replacement income, replacing the income of Mr. Mixon's now deceased spouse.
3. Debtor, Ronald Mixon, is authorized to pay-off via the Plan, the secured claim of Santander using a portion of the aforesaid "remaining life" insurance proceeds from the above-mentioned credit life insurance policy.
4. All mortgage-related claims, both conduit and arrears, are hereby stricken from Debtors' Plan as being satisfied by the direct payment of credit life insurance proceeds referred to hereinabove.
5. Debtor is authorized to surrender possession of the 2007 Dodge Caravan vehicle to Premier Federal Credit Union, and the secured claim of Premier Federal Credit Union is hereby stricken from the Plan; however, Premier Federal Credit Union shall have 120 days to take possession of its collateral (the 2007 Dodge Caravan), liquidate same in a commercially reasonable manner, and file any then-existing deficiency claim it then may have remaining.
6. Debtors' Plan is modified to provide for monthly plan payments of \$285.00 and the Plan base is modified accordingly.
7. Geoffrey A. Planer, attorney for the Debtors, is awarded a non-base fee of \$350 plus reimbursement of copying and postage costs in the sum of \$50.00, a total of \$400.00, all to be paid via Debtors' Plan.

This Order has been signed electronically.
The judge's signature and court's seal
Appear at the top of the Order.

United States Bankruptcy Court